

Exhibit 2

Gosma, Derek

From: Marcus, David
Sent: Tuesday, August 18, 2015 11:57 AM
To: Abernethy, Christopher; Silhasek, Michael; #WARF/Apple [Int]
Cc: WH WARF-Apple for Irell; jgregor@gklaw.com; cetrangolo@cetralaw.com
Subject: RE: WARF v. Apple, No. 14-cv-0062 - Supplemental Expert Report

Christopher:

We will withdraw the supplemental report of Julie Davis. We will not withdraw the supplemental report of David August. You can go forward with his deposition on Friday. If you require more time to prepare for his deposition, we will present him for deposition out of time, just as we accommodated Dr. Mudge out of time. Let us know.

Best,

David.

From: Abernethy, Christopher [<mailto:CAbernethy@irell.com>]
Sent: Tuesday, August 18, 2015 10:31 AM
To: Silhasek, Michael; #WARF/Apple [Int]
Cc: WH WARF-Apple for Irell; jgregor@gklaw.com; cetrangolo@cetralaw.com
Subject: RE: WARF v. Apple, No. 14-cv-0062 - Supplemental Expert Report

Michael,

Thank you for taking my call this morning. Per your request, I am following-up in writing.

As I explained on our call, WARF requests that Apple immediately withdraw the Supplemental Expert Report of Julie Davis and the Supplemental Expert Report of David August, both of which Apple untimely served last night (8/17/2015). These supplemental reports are untimely under Section 6 of the Preliminary Pretrial Conference Order, which requires that any supplementation under Rule 26(e) "must be in writing and must be served not later than five calendar days before the expert's deposition." Dkt. 24 § 6. The supplemental reports are also improper because they are not "limited to matters raised in [each] expert's first report." *Id.*

Please confirm, by no later than 1:30 pm CT today, that Apple withdraws both supplemental reports. As Ms. Davis's deposition is in less than 24 hours, if we do not receive an answer from you by then, we will take the matter up with the Court.

Best,

Christopher Abernethy
Irell & Manella LLP
1800 Ave of the Stars, Ste 900
Los Angeles, CA 90067
Phone: 310-203-7028
CAbernethy@irell.com

From: Silhasek, Michael [<mailto:Michael.Silhasek@wilmerhale.com>]
Sent: Monday, August 17, 2015 9:36 PM
To: #WARF/Apple [Int]
Cc: WH WARF-Apple for Irell; jgregor@gklaw.com; cetrangolo@cetralaw.com
Subject: WARF v. Apple, No. 14-cv-0062 - Supplemental Expert Report

Counsel,

Please see the attached Supplemental Expert Report of Julie Davis.

Regards,
Mike

Michael Silhasek | WilmerHale

950 Page Mill Road
Palo Alto, CA 94304 USA
+1 650 858 6083 (t)
+1 650 858 6100 (f)
michael.silhasek@wilmerhale.com

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